IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.1641 OF 2006

Rajasthan Multi Fertilizers Ltd. ..Petitioner.

Vs.

State of Maharashtra & Ors. ..Respondents.

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Mr. E.H. Faijullabhoy and Mr. A.K. Tiwari i/b Akhilesh Tiwari for the Petitioner.

Mr. P.G. Sawant, AGP for Respondent Nos. 1 to 3.

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CORAM: DR. D.Y. CHANDRACHUD, J.

21st December, 2006.

P.C. :

1. Upon being restored to file the Petition is taken up for hearing.

2. The Petition is directed against an order passed by the Divisional Joint Registrar, Co-operative Societies by which the revision application filed by the Petitioner under Section 154 of the Maharashtra Co-operative Societies Act, 1960 was dismissed on the ground that the Petitioner had not deposited 50% of the recoverable dues as required by Section 154(2A) of the Maharashtra Co-operative Societies Act, 1960. The amount of

the recovery certificate is Rs.2,30,893/-.

3. By an order dated 31st May, 2006, a Learned Single Judge of this Court recorded the statement of the advocate for the Petitioner that an amount of Rs.1 lac shall be deposited with the Special Recovery Officer, Mumbai District Co-operative Housing Federation Limited by 12th June, 2006. On deposit of the aforesaid amount, the revision application was directed to be restored to file. Counsel appearing for the Petitioner states that the revision application is pending. In the meantime, the Court had recorded the statement of the Learned AGP appearing on behalf of Respondents 1 to 3 that the amount would not be withdrawn without the permission of the Court. By a further order dated 26th June, 2006 the interim order dated 31st May, 2006 was continued and the Petition was admitted.

4. Since the Petitioner has deposited a substantial part of 50% of the recoverable dues under the recovery certificate as provided in Section 154(2A) of the Maharashtra Co-operative Societies Act, 1960, it would be appropriate if the direction contained in the interim order dated 31st May, 2006 in respect of

the restoration of the revision application is confirmed. There shall be an order accordingly. The Divisional Joint Registrar shall upon due verification of the factum of deposit of 50% of the recoverable dues under Section 154(2A) entertain the revision application. In the event that there is any deficit, the Petitioner shall deposit the same within a period of four weeks from today. Since under Section 154(2A) the amount has to be deposited with the concerned society, the Fifth Respondent would be at liberty to withdraw the amount so deposited subject to such adjustment as may be warranted finally upon the order of the Divisional Joint Registrar. The Petition is accordingly disposed of.